



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 411
BOSTON, MASSACHUSETTS 02108
(617) 727-8352
(800) 462-OCPF

MARY F. MCTIGUE
DIRECTOR

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AO-90-22

David E. Wood
Legal Counsel
Massachusetts Public
Interest Research Group
29 Temple Place
Boston, MA 02111

Dear Mr. Wood:

This letter is in response to your request for an advisory opinion concerning certain activities Massachusetts Public Interest Research Group ("MASSPIRG") proposes to undertake in connection with a ballot initiative appearing on the state ballot this November.

You have stated that a major portion of MASSPIRG's activities relates to its citizen-outreach, door-to-door and telephone canvasses. The canvasses serve a variety of purposes for the organization, most notably as the primary vehicles for public education on MASSPIRG's issue campaigns and programmatic agenda, for grassroots organizing, and for fundraising and membership development. The canvasses operate year-round and concentrate on building support for MASSPIRG's lead issue, in the context of discussing past achievements and other current efforts. In the recent past those issues have been the toxics use reduction act, incinerator moratoriums, and solid waste legislation. Solid waste reduction and recycling remain MASSPIRG's lead campaign, and will be the subject of a ballot question on this year's state ballot.

You have further stated that the MASSPIRG canvasses will talk about the recycling and packaging initiative as the organization's lead issue. The canvass will continue to raise funds for MASSPIRG in the context of a general membership appeal to support the work MASSPIRG undertakes. No appeal or solicitation will be made to individuals for direct monetary support of the initiative or for any political committee. The materials used on the canvasses will be in all material respects identical to those employed throughout the year, as will the canvass "raps" (a scripted discussion format) with the only difference being the lead issue discussed.

You have inquired about a number of issues surrounding the activities proposed by MASSPIRG. In order to address these issues, we have posed questions, and answers thereto, below.

1. As the MASSPIRG canvasses are currently structured to discuss the lead issue of the ballot initiative, followed by an appeal for a contribution for general membership in MASSPIRG, will they be considered to be solicitations for contributions for the purpose of promoting or opposing a question submitted to the voters under the provisions of M.G.L. c.55?

Section 1 of M.G.L. c.55 defines a contribution as, inter alia, "a contribution of money or anything of value to an individual . . . for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters . . ."

It is the opinion of this office that as the canvasses are currently structured to discuss the lead issue of the ballot initiative, followed by an appeal for a contribution for general membership in MASSPIRG, contributors would believe they were contributing to support the ballot initiative (either in whole or in part) through their contributions, rather than just the general goals of the organization. Such contributions would therefore be subject to the provisions of M.G.L. c.55.

Section 1 of M.G.L. c.55 defines a political committee, in part, as "any . . . organization . . . which receives contributions . . . for the purpose of opposing or promoting a charter change, referendum question, constitutional amendment, or other question submitted to the voters." See also Interpretative Bulletin, IB-105, "The Applicability of the Campaign Finance Law to Organizations Other Than Political Committees," a copy of which is enclosed for your information.

It is therefore the further opinion of this office that if the MASSPIRG canvasses are conducted as currently proposed, MASSPIRG will be functioning as a political committee in soliciting contributions for the purpose of supporting a ballot initiative, subject to all the reporting and disclosure provisions of M.G.L. c.55.

2. Absent a solicitation for contributions as described above, would any portion of the canvass activities described above be subject to the provisions of M.G.L. c.55?

If the canvasses were conducted to provide information only (and not collect funds), MASSPIRG would be making a

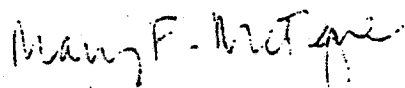
reportable expenditure only to the extent it provided resources or actual funds to disseminate such information about the ballot question, e.g. the persons conducting the canvass were paid by MASSPIRG or the materials distributed during the canvass were printed at MASSPIRG's expense. If such expenditure was made to generally promote the ballot question but not on behalf of a specific political committee, the expenditure is reportable by MASSPIRG only with this office on a FORM CPF 10 as described in section 22 of M.G.L. c.55. Both direct monetary outlays, for such things as printed materials and postage, as well as the provision of personnel, resources, facilities and the like, as in-kind contributions, are so reportable.

If, however, such expenditure was made on behalf of a specific political committee organized to promote the ballot question, the expenditure is reportable by both MASSPIRG (on a FORM CPF 10 as required by section 22 of M.G.L. c.55) and the political committee (on its FORM CPF 102[B] as required by section 18 of M.G.L. c.55).

This opinion is based solely on the representations made in your letter and has been rendered solely in the context of M.G.L. c.55.

Should you have any additional questions, please do not hesitate to contact this office.

Very truly yours,



Mary F. McTigue
Director

enclosure
MFM/wp